



# PUBLIC NOTICE

US Army  
Corps  
of Engineers  
Baltimore  
District

In Reply to Application Number  
CENAB-OP-R(M & A ENTERPRISES/WATERS  
EDGE MARINA/DREDGING, BULKHEAD, PIERS &  
BREAKWATER)03-60579-2

**Comment Period: May 5, 2003 to May 20, 2003**

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THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC ABOUT THE WORK DESCRIBED BELOW. AT THIS TIME, NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED.

The Baltimore District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (33 U.S.C. 1344) as described below:

APPLICANT: *M & A Enterprises LLC  
c/o Mr. Ronald Gatton  
P.O. Box 438  
Salisbury, Maryland 21801*

LOCATION: *In the entrance channel to Brick Kiln Harbor and non-tidal/tidal wetlands adjacent to this waterway at Crisfield, Somerset County, Maryland.*

WORK: The applicant proposes to construct a 54-slip community marina along the north side of the entrance channel to Brick Kiln Harbor by performing the following work: removing an existing bulkhead and then excavating/dredging 20,665 square feet (s.f.) of uplands landward of the removed bulkhead to a depth of -6' MLW along the north side of the entrance channel to Brick Kiln Harbor to provide an area for boat slips and dredging 40,768 s.f. of shallow water and 5,278 s.f. of tidal wetlands to a depth of -6' MLW to create a boat basin at the east end of the excavated/dredged area; to deposit approximately 11,741 cubic yards of excavated/dredged material in an existing disposal site along Lori Quinn Drive adjacent to the proposed project site; to construct 430 l.f. of bulkhead along the excavated/dredged shoreline 12 feet landward of the removed bulkhead; to construct a 6' X 430' parallel pier, a 25' X 30' transient deck and 12-3' X 15' catwalks, and to install a 6' X 220' parallel floating pier along the proposed bulkhead, and to deposit approximately 20 cubic yards of topsoil in a 1,100 s.f. area of non-tidal wetlands landward of the proposed floating pier; to construct a 15' X 34' platform with a 7.5' long by 6' wide extension and 3-3' X 15' catwalks along the west side of the proposed basin; to construct a 25' X 30' deck where the harbor master building and sewage pump-out facilities are to be located; to construct 3-3' X 15' catwalks along the east side of the proposed basin; to construct a 5' X 185' pier with 6-3' X 15' catwalks and a 6' X 75' "T" within the basin; and to install 69 mooring piles; to construct 2-15' X 75' stone breakwaters within 155' channelward (maximum) of the approximate mean high water shoreline (MHWS); to construct 3-15' X 50' stone breakwaters within a maximum of 130 feet channelward of the approximate MHWS, to deposit 90 l.f. of riprap within 10 feet channelward of the approximate MHWS, to deposit 80' of low profile stone revetment extending 6' (maximum) channelward of an existing marsh island for shore erosion protection and to provide a sheltered water area to mitigate for the loss of shallow water habitat, to construct a 160' pier with a 10' X 40' "T" to extend no more than 160' channelward of the approximate MHW shoreline, and to deposit approximately 205 cubic yards of sand landward of the breakwaters along the existing eroding bank to create a 10' X 167' sand dune and to create a beach along the west side of the proposed project site. Approximately 11,825 s.f. of non-tidal/tidal wetlands (saltmarsh cordgrass Spartina alterniflora, saltmarsh hay Spartina patens, and switchgrass Panicum virgatum) is to be created at the north end of the proposed basin to mitigate for the loss of wetlands at the proposed project site. The mitigation area includes approximately 2,600 s.f. of degraded non-tidal wetlands which is to be graded and then

replanted as shown on the attached plans. The applicant has requested that a 10 year maintenance dredging clause be included in the permit, should one be issued.

The purpose of the proposed work is to provide a 54-slip community marina for a proposed condominium development on the site of the old seafood laboratory; to control erosion and to mitigate for wetland losses at the site of the proposed construction. If you have any questions concerning this matter, please contact Mr. John Roop at (410) 962-5688.

The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 04-267), requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely effect essential fish habitat (EFH). The project site lies in or adjacent to EFH as described under MSFCMA for windowpane flounder Scopthalmus aquosus juvenile and adult; bluefish Pomatomus saltatrix juvenile and adult, summer flounder Paralichthys dentatus juvenile and adult, and king mackerel Scomberomorus cavalla, Spanish mackerel, Cobia rachycentron canadum, and red drum Sciaenops ocellatus eggs, larvae juvenile and adult stages, managed under the MSFCMA. The project has the potential to adversely effect EFH on the species concern by loss of spawning, nursery, forage, and/or shelter habitat. The Baltimore District has determined that the adverse effects of this project would not be substantial and an abbreviated consultation will be conducted with NMFS. No mitigation measures are recommended to minimize adverse effects on EFH, at this time. This determination may be modified if additional information indicates otherwise and would change our preliminary determination.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act from the Maryland Department of the Environment. Any written comments concerning the work described above which relate to water quality certification must be received by the Standards and Certification Division Maryland Department of the Environment, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708 within the comment period as specified above to receive consideration. Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified above to receive consideration. The 401 certifying agency has a statutory limit of one year to make its decision.

The applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the Maryland Coastal Zone Program. This certification statement is available for inspection in the District Office; however, public comments relating to consistency must be received by the Coastal Zone Division, Maryland Department of the Environment, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland, 21230-1708, within the comment period as specified above. It should be noted that CZ Division has a statutory limit of 6 months in which to make its consistency determination.

The applicant must obtain any State or local government permits which may be required.

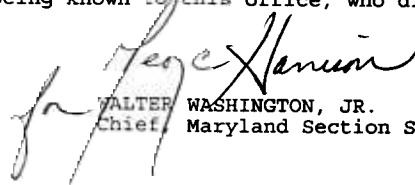
A preliminary review of this application indicates that the proposed work will not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

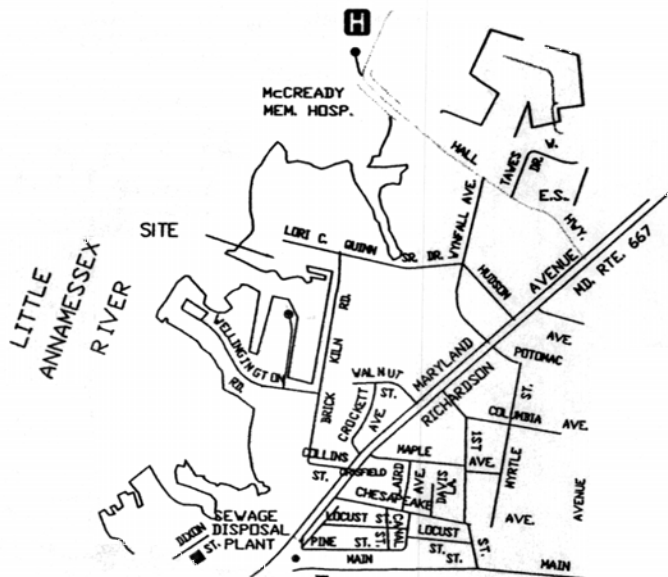
Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act. Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified as above to receive consideration. Also, it must clearly state forth the interest which may be adversely affected by this activity in the manner in which the interest may be adversely affected.

It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.

FOR THE DISTRICT ENGINEER:

  
WALTER WASHINGTON, JR.  
Chief, Maryland Section Southern



VICINITY MAP  
NOT TO SCALE

# ” WATER’S EDGE ” CRISFIELD SOMERSET COUNTY, MARYLAND

UPLAND AREA  
TO BE REMOVED 30,290 ± S.F.

TIDAL WETLAND AREA DREDGED 5,278 ± S.F.  
NON-TIDAL WETLANDS DREDGED/ FILLED 3,700 ± S.F.  
BEACH AREA 350 ± S.F.  
TOTAL 9,328 ± S.F.

EXISTING WET AREA  
IN HARBOR BASIN 40,763 ± S.F.

STONE  
BREAKWATER 4,728 ± S.F.  
RIP RAP  
AREA 2,424 ± S.F.

TOTAL IMPACT  
AREA 1.31± AC.  
( NOT INCLUDING UPLANDS )

## INDEX OF DRAWING

INDEX SHEET  
SHEET 1 OF 13 COVER SHEET  
SHEET 2 THRU 5 SITE PLAN  
SHEET 6 THRU 13 NOTES & DETAILS

PROPOSED DEVELOPMENT  
64 CONDOMINIUM UNITS  
54 BOAT SLIPS

### NOTES:

1. PROPERTY OWNER  
M & A ENTERPRISES, LLC  
106 MORRIS MILL ROAD  
SALISBURY, MD. 21801
2. PARCEL NO.'s 987
3. TAX MAP NO. 0101
4. DEED REF: 456/449, PLAT REF. 3/89
5. ZONED: TOURIST / MARITIME ZONE
6. SETBACK: FRONT - 20  
SIDE - 0  
REAR - 25
7. ■ DENOTES CONCRETE POST FOUND
8. ⊙ DENOTES REBAR W/CAP PLACED
9. ⊕ DENOTES UTILITY POLE
10. PLAT NUMBER: 07705
- 11 BENCH MARK DESIGNATION C-10 ELEV. = 5.645

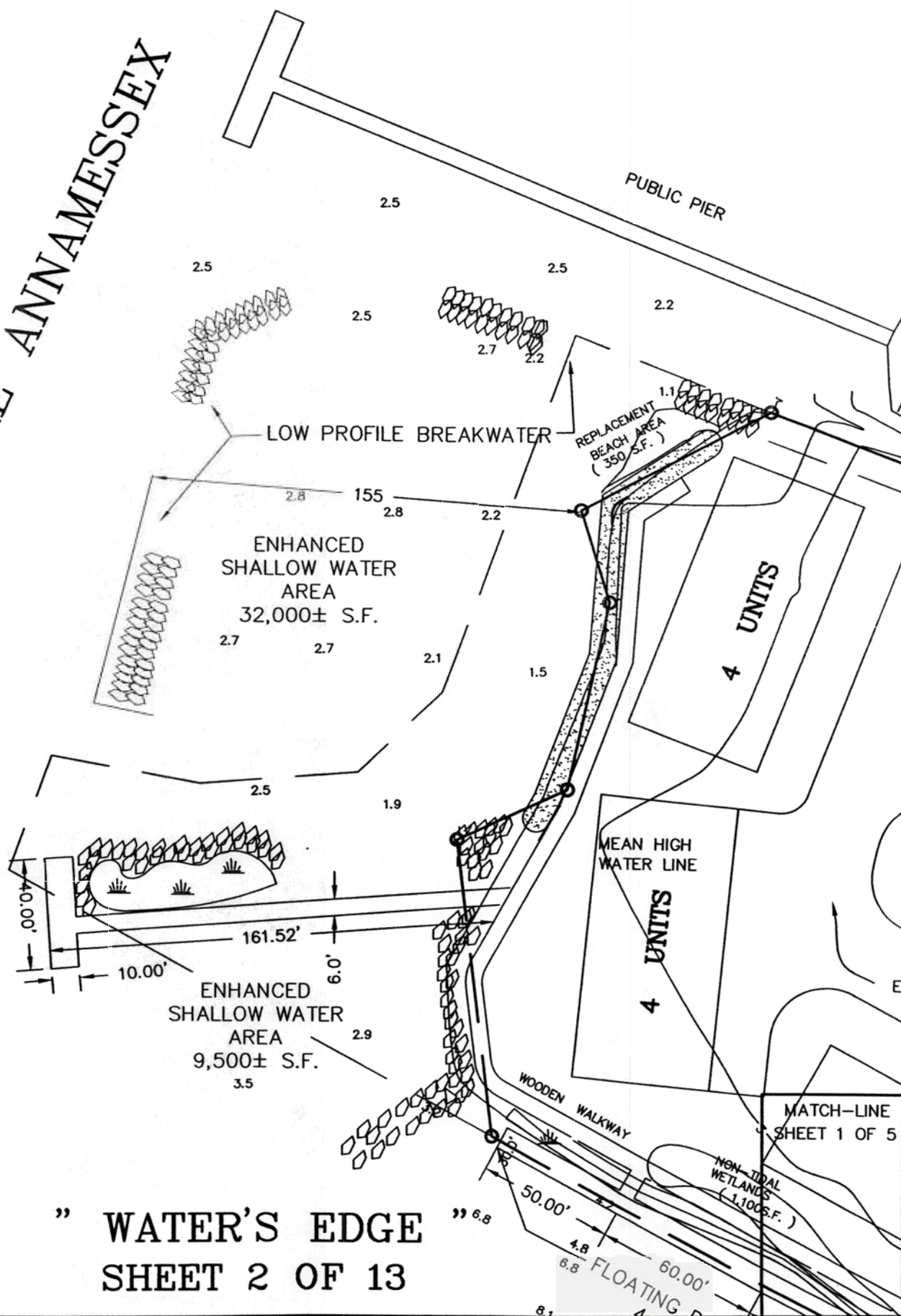
### NOTES:

SOUNDINGS ARE IN FEET AND ARE  
REFERENCE TO MEAN LOW WATER (MLW )  
BASED ON BENCH MARK " CRISFIELD 1988 "  
THE DECIMAL POINT INDICATES THE POSITION  
OF SOUNDING.

Based upon review of the Federal Emergency Management  
Agency Flood Insurance Rate Maps, panel CITY CRISFIELD  
Community Panel Number 240082 0001 C with an effective  
date of June 16, 1992 the property depicted on this  
survey is located within ZONE B, & ZONE A3 EL= 5  
(as scaled from map)

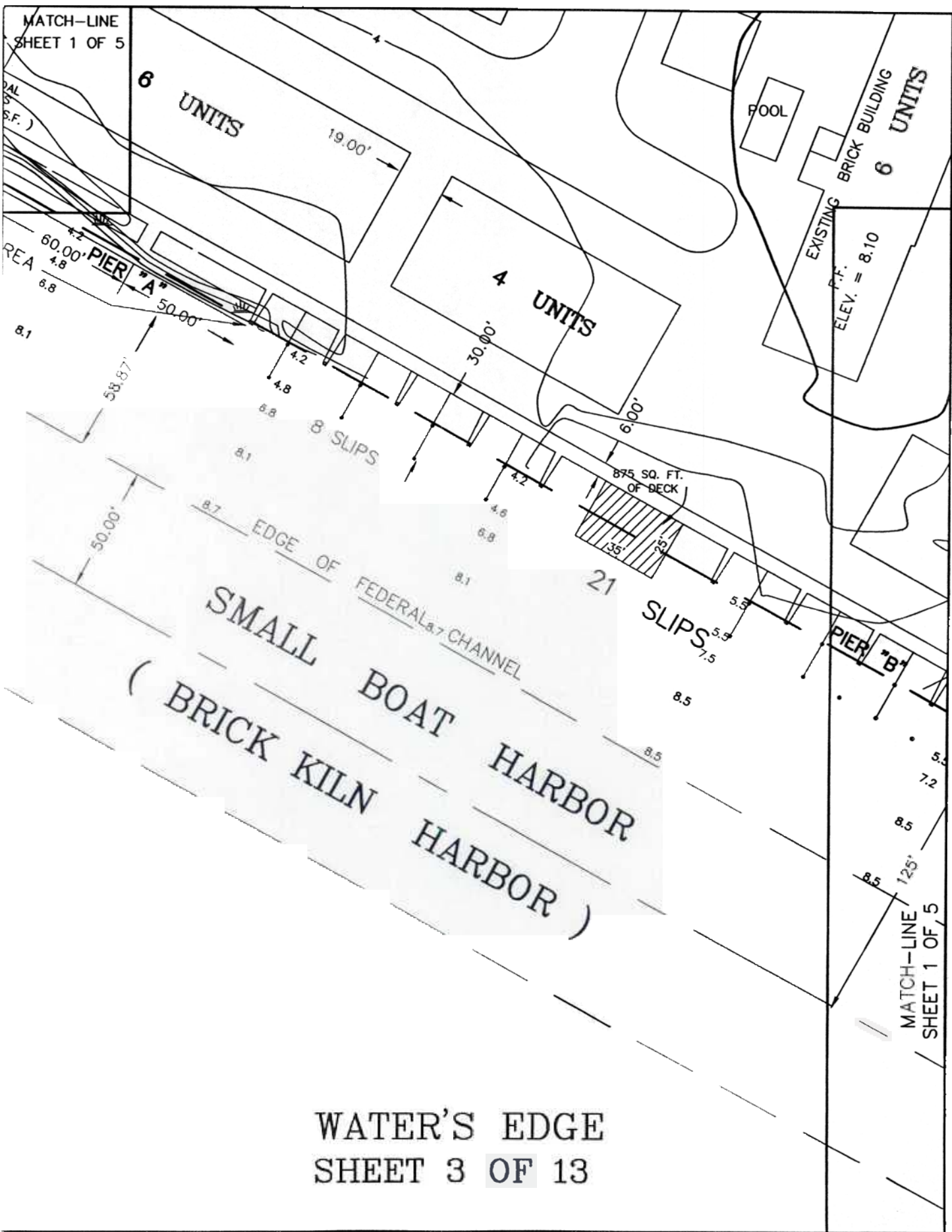
## ” WATER’S EDGE ” INDEX SHEET

LITTLE ANNAMESSEX

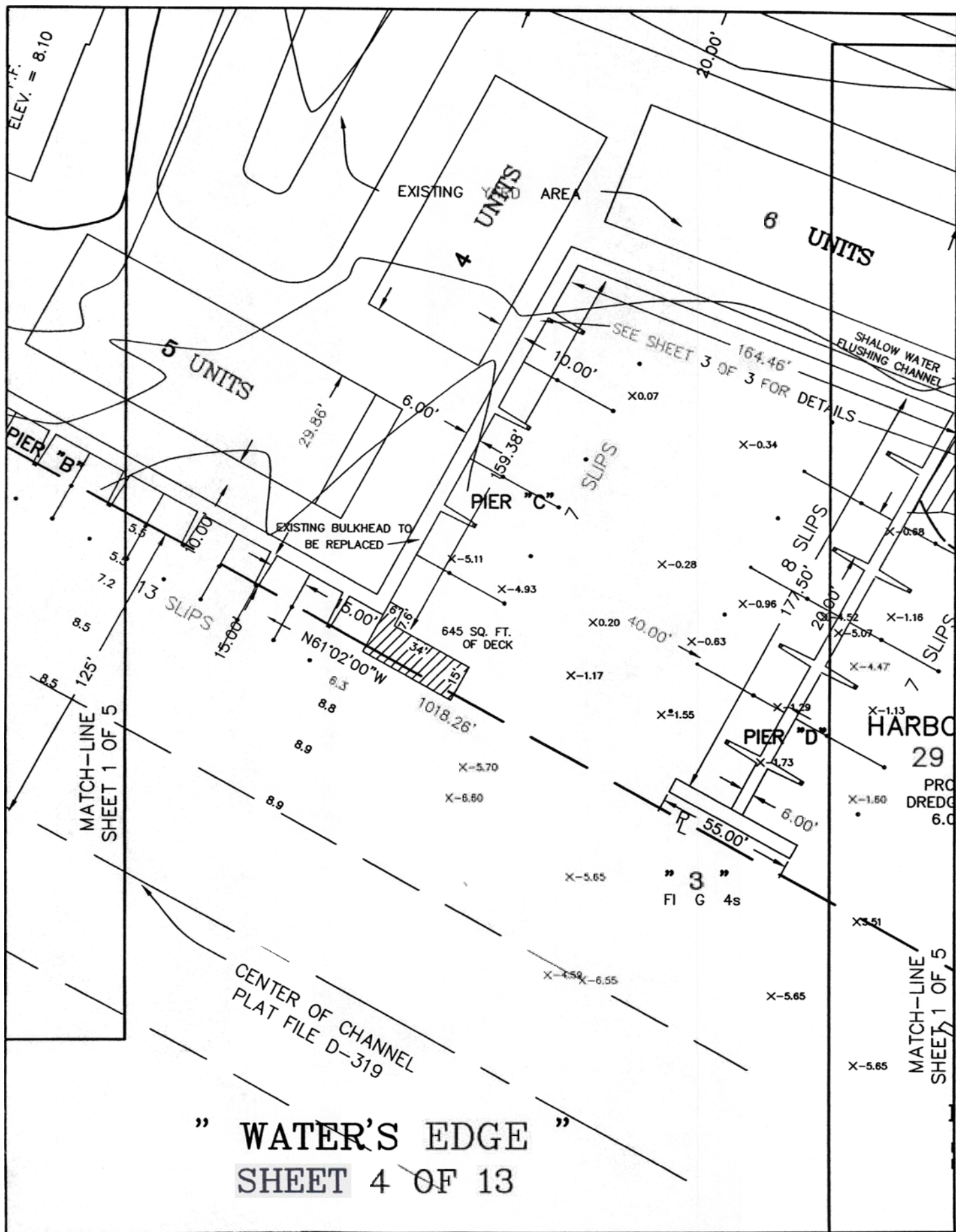


" WATER'S EDGE  
SHEET 2 OF 13

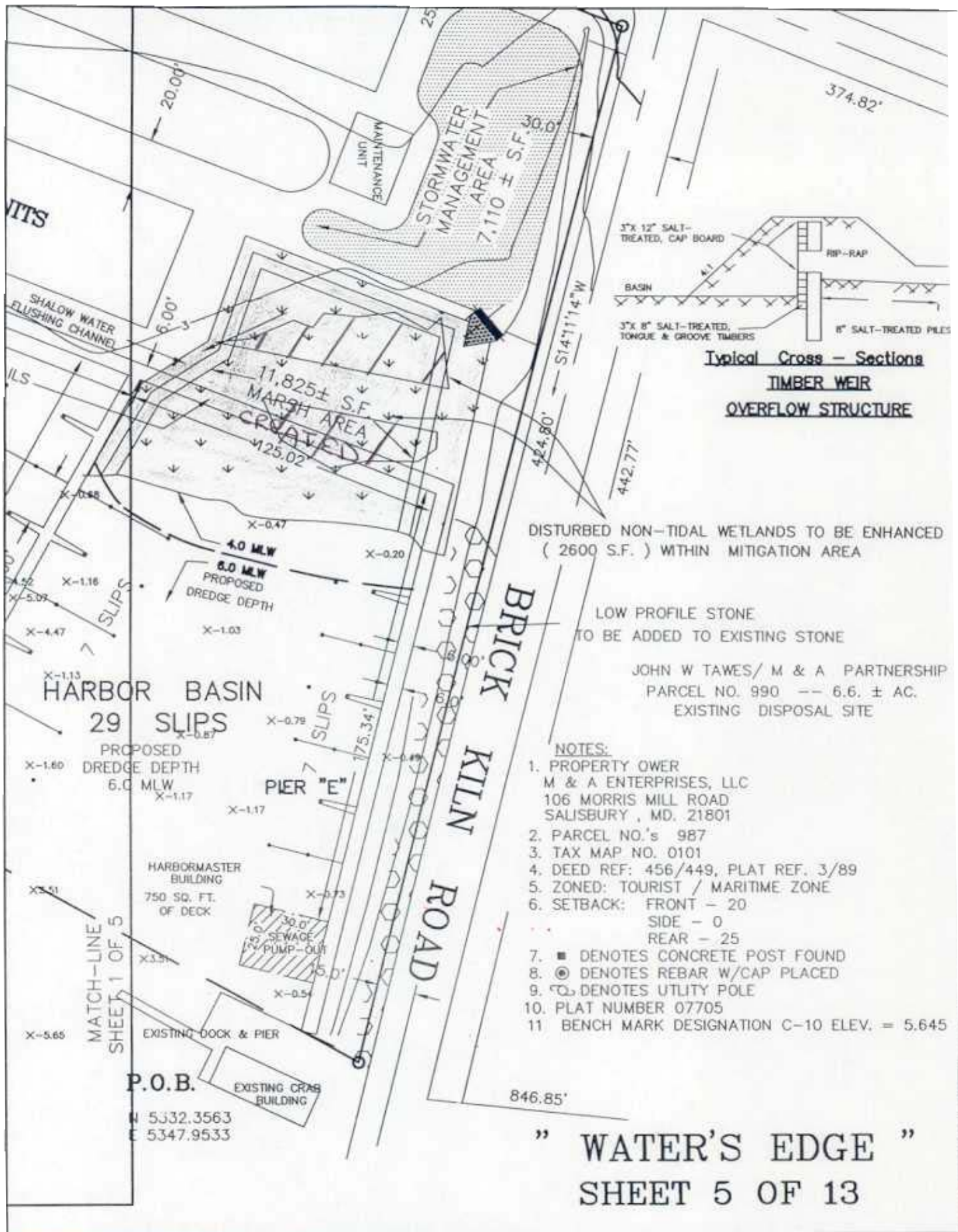


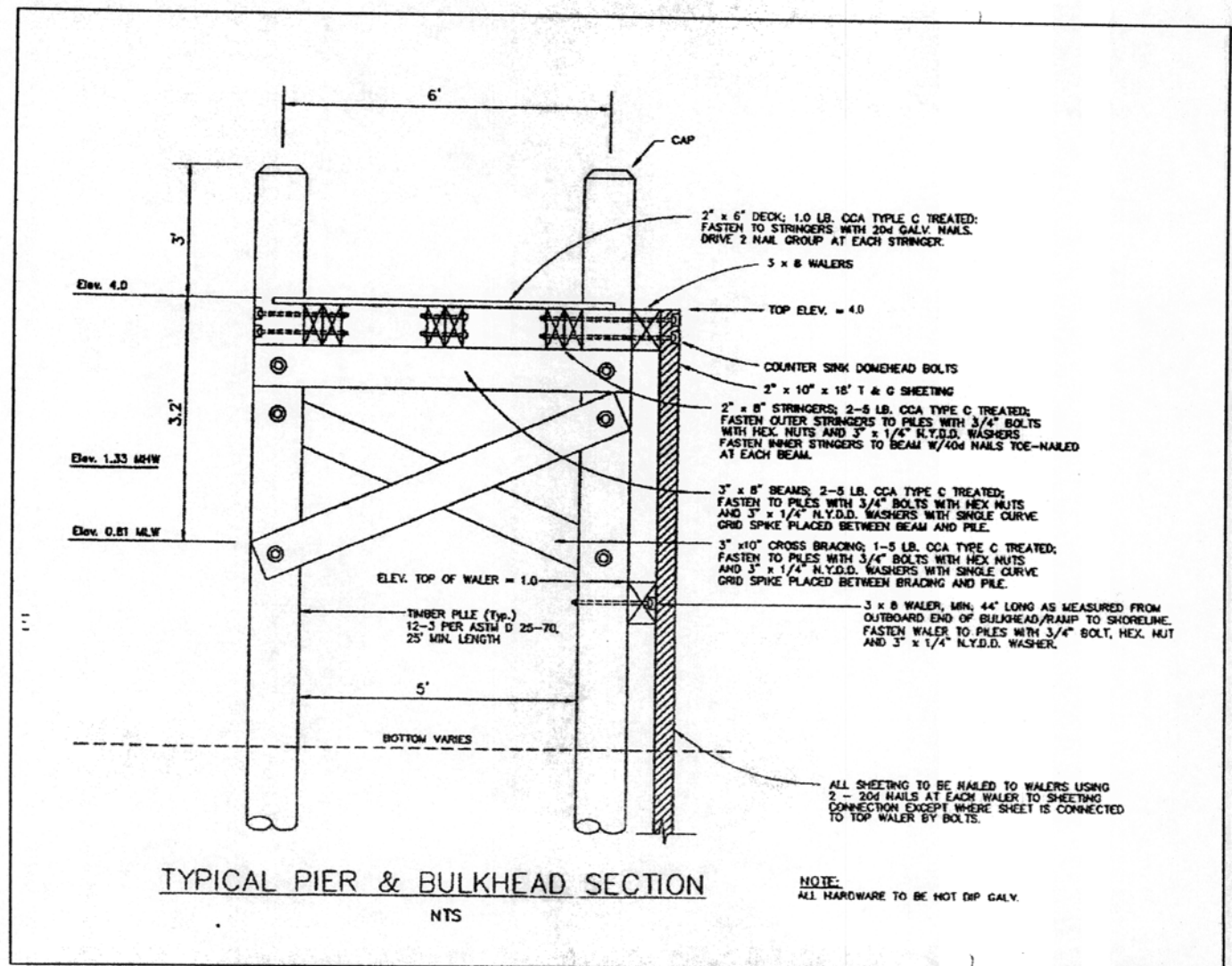


WATER'S EDGE  
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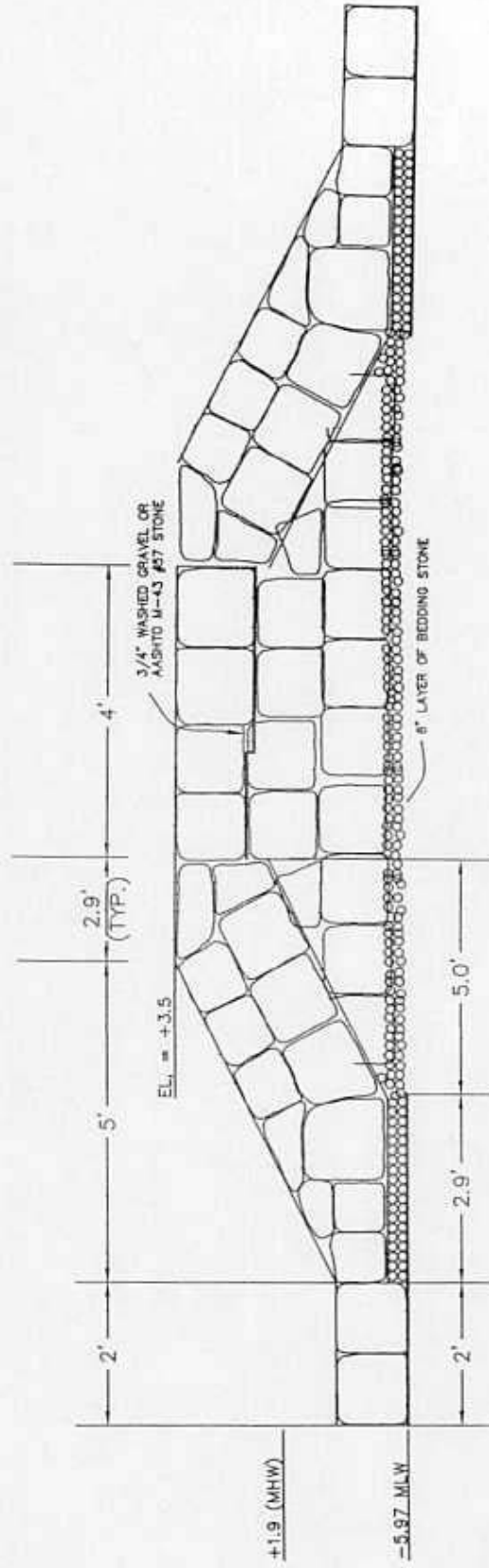


" WATER'S EDGE "

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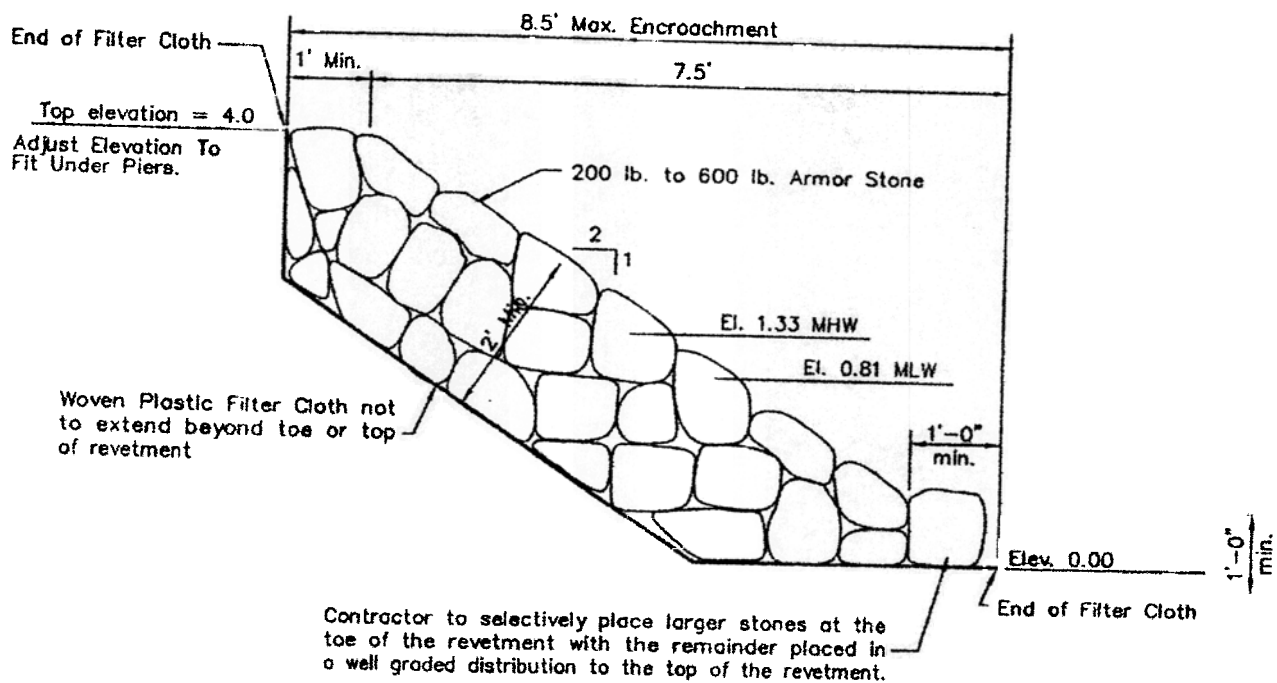




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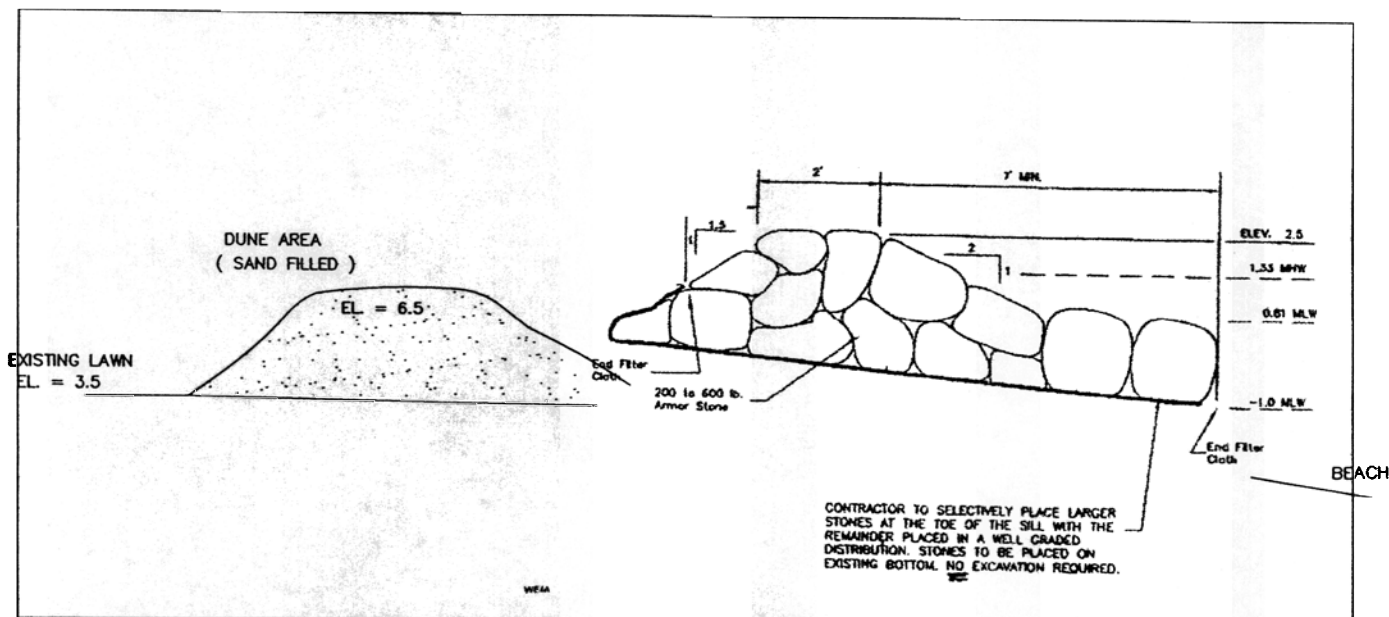
SHEET 7 OF 13

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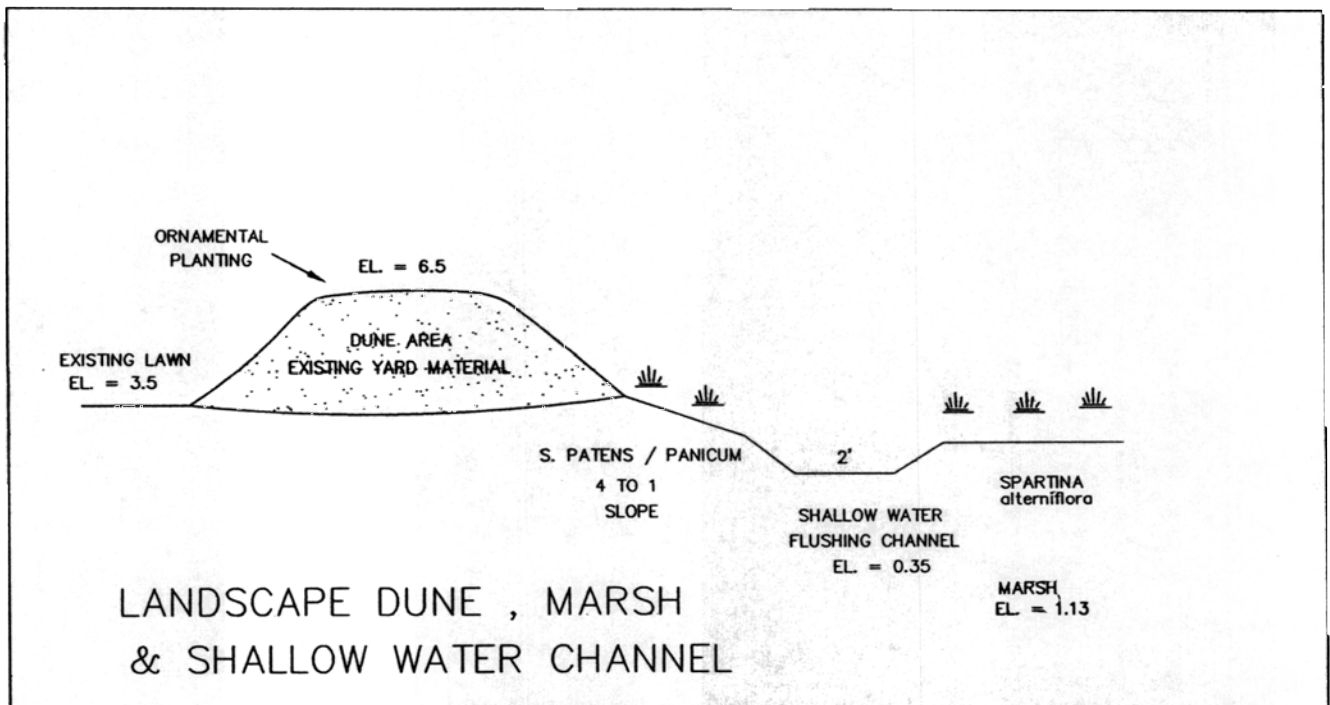
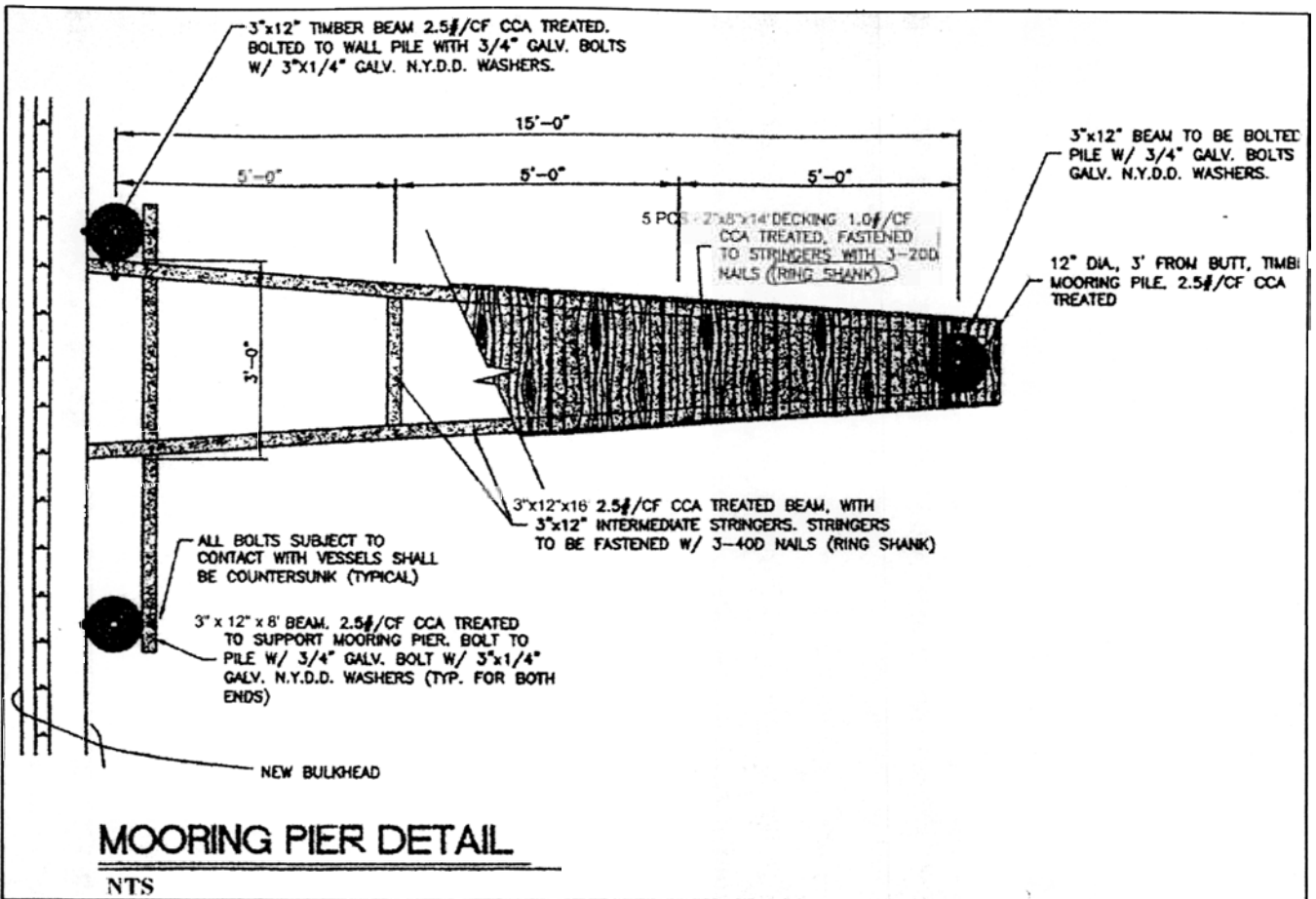
## LOW PROFILE STONE REVETMENT SECTION FOR AREA ADJACENT TO BRICK KILN ROAD

WE2A

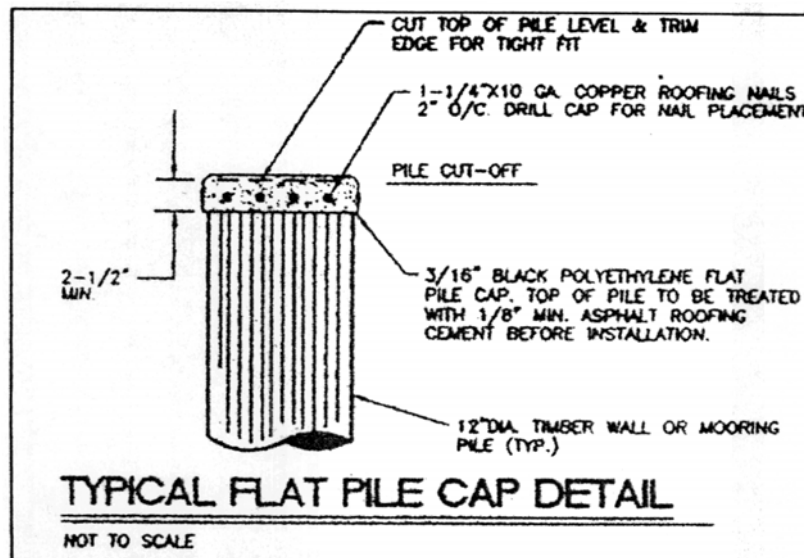
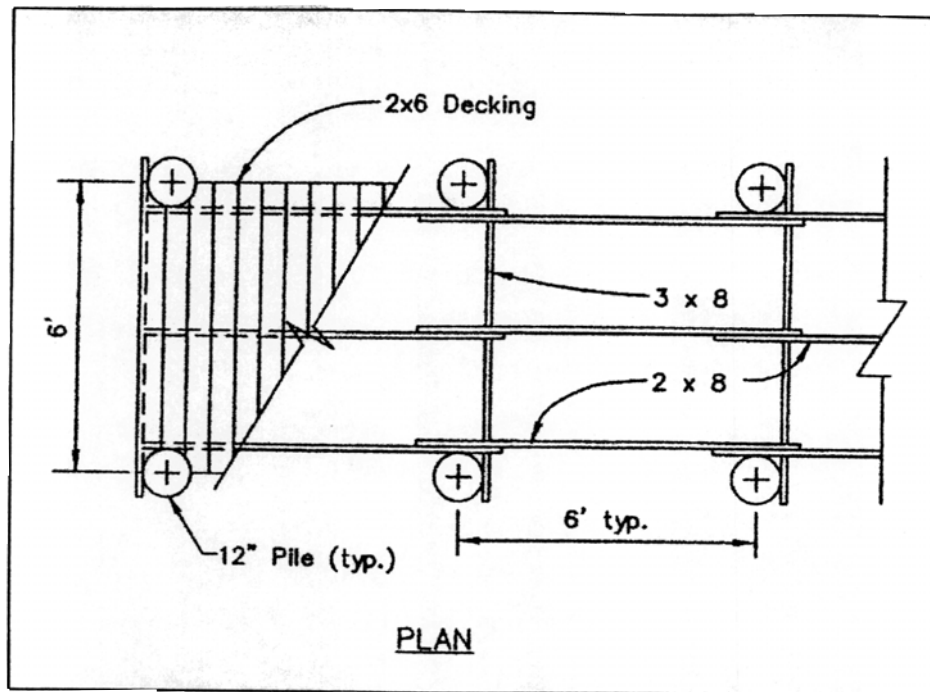


" WATER'S EDGE "

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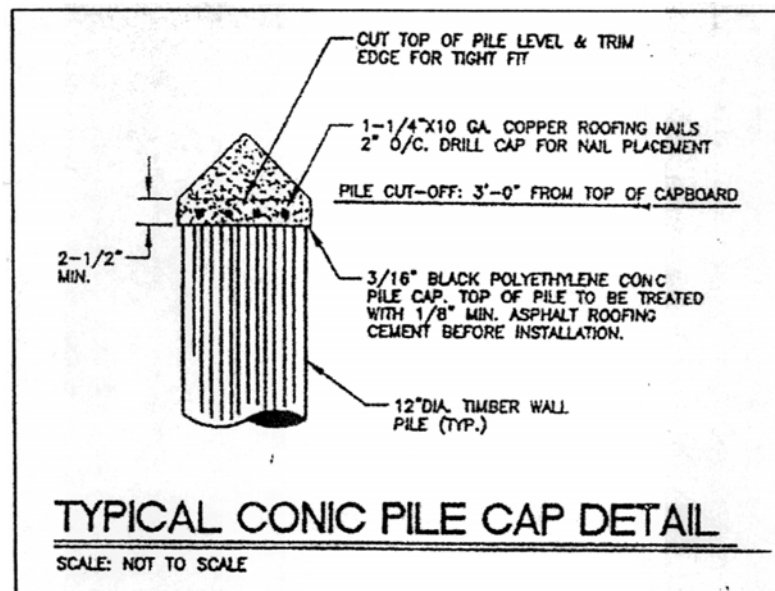
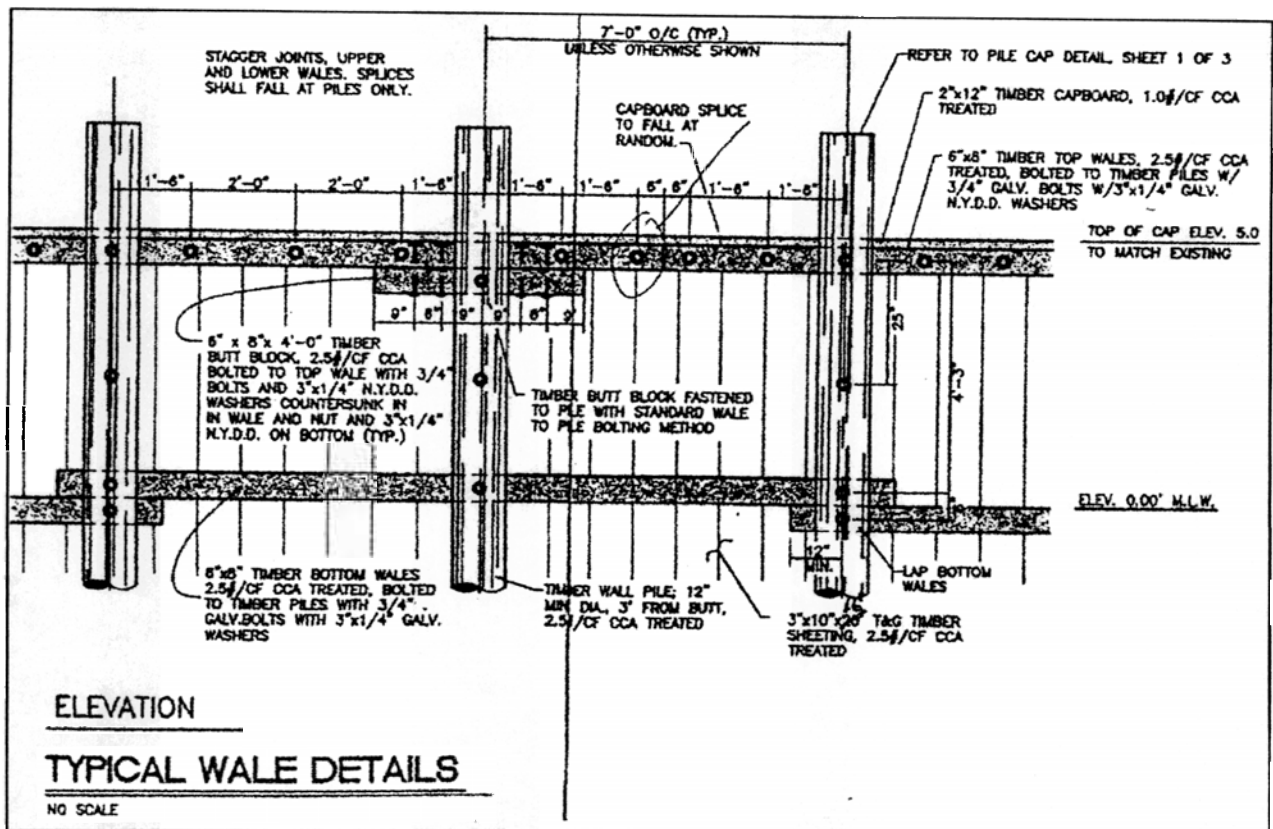




" WATER'S EDGE "

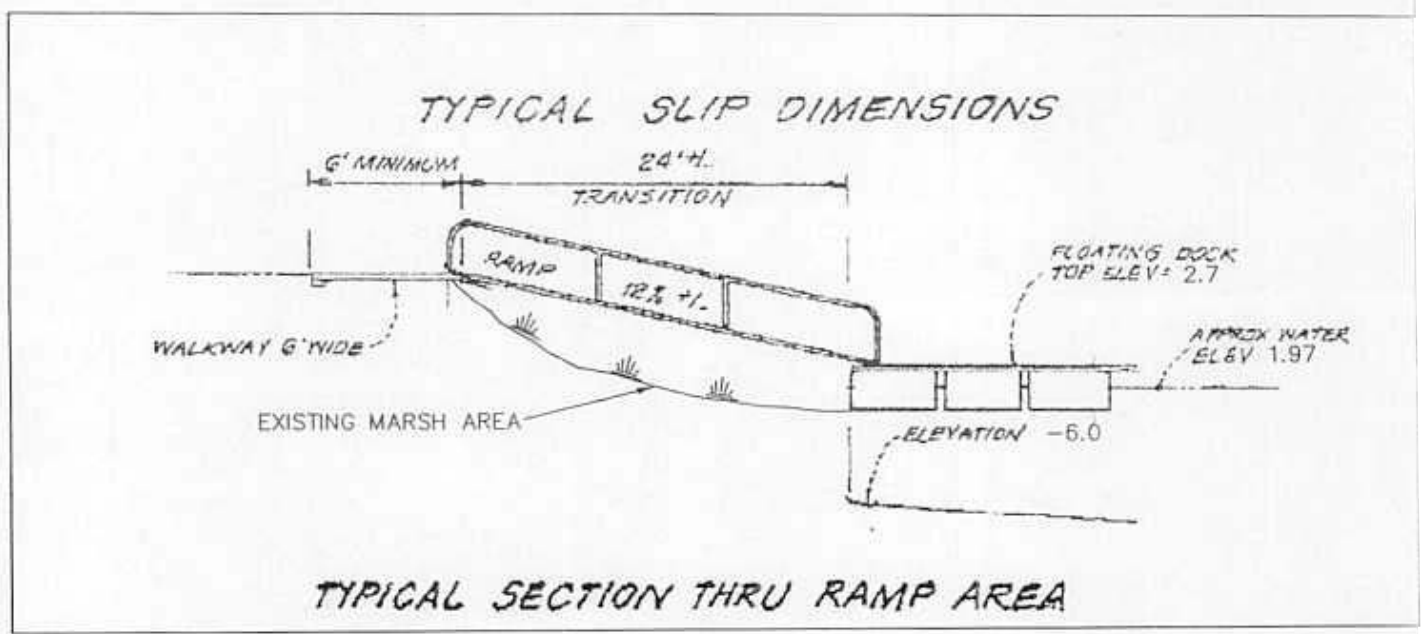
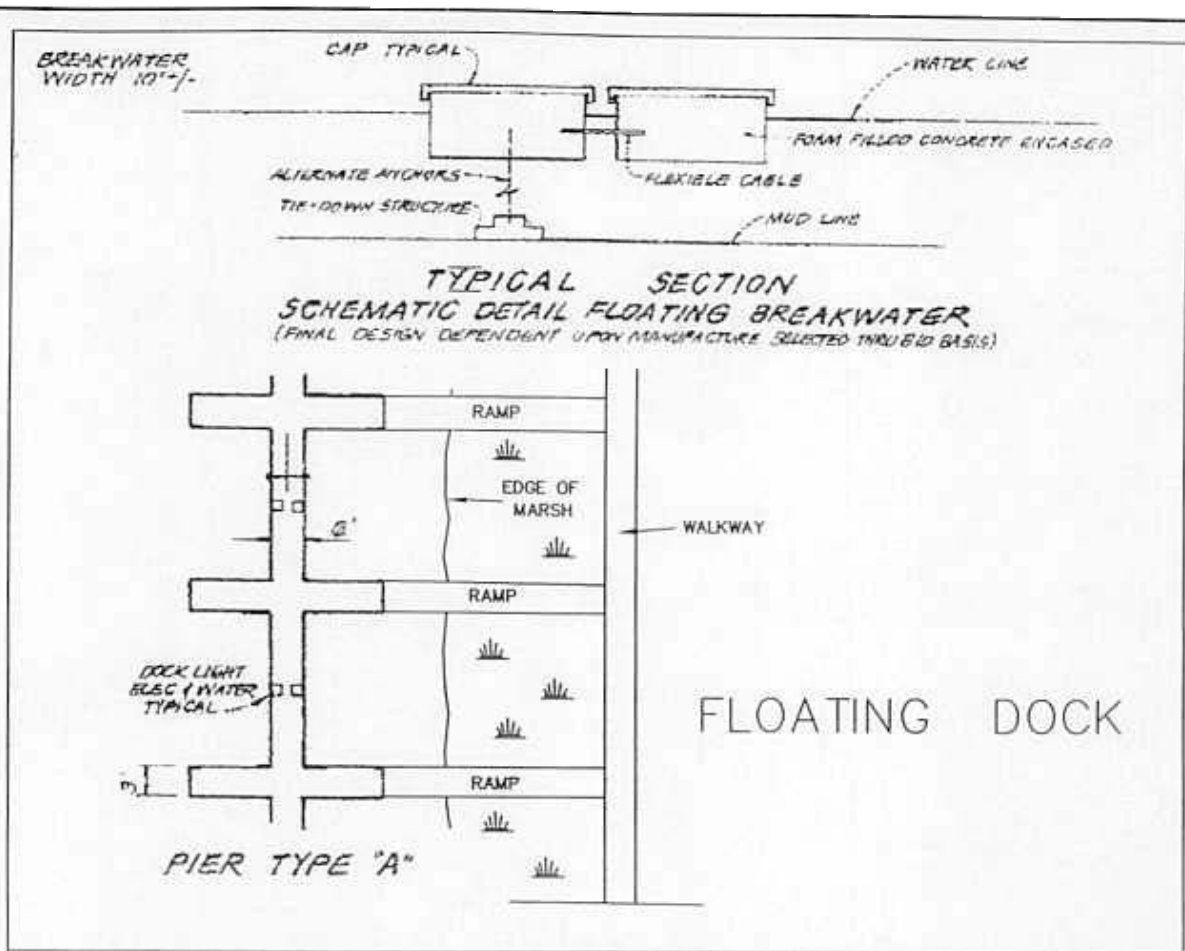
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” WATER’S EDGE ”  
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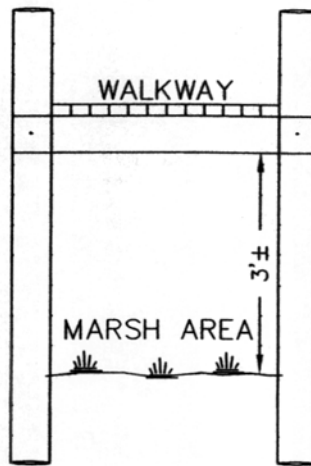


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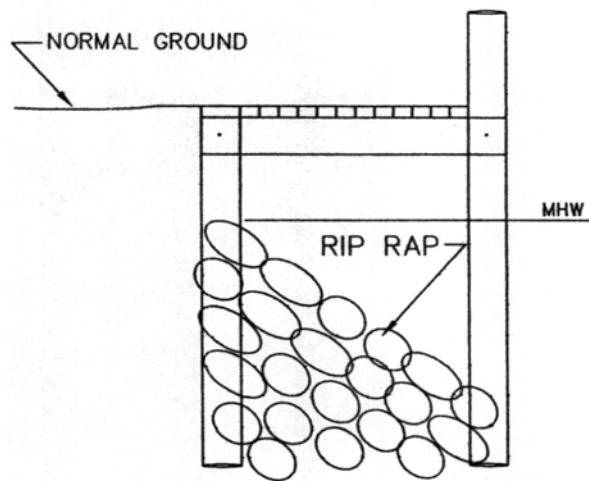
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TYPICAL WALKWAY  
OVER GRASS MARSH  
IN BASIN AREA



TYPICAL PIER &  
STONE BULKHEAD  
IN BASIN AREA

” WATER’S EDGE ”  
SHEET 13 OF 13

NTS